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REMARKS

Claims 1-19 and 21-23 are pending in the instant application. The Examiner has rejected claims 1-19 and 21-23. Claims 1-19 have been amended. The Applicant submits that claims 1-19 and 21-23 are in condition for allowance and requests reconsideration and withdrawal of the outstanding rejections. No new matter has been entered.

Claim Rejections Under 35 USC 102

Claims 1-19 and 21-23 are rejected under 35 U.S.C. 102(e) as being allegedly anticipated by Mun et al. US Patent Pub. No. 2003/0022659 A1, (hereinafter, "Mun"). Applicant respectfully traverses the rejection.

As is well settled, to anticipate a claim under 35 U.S.C. § 102, a single source must contain all of the elements of the claim. *Lewmar Marine Inc. v. Barient, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), *cert. denied*, 484 U.S. 1007 (1988). Moreover, the single source must disclose all of the claimed elements "arranged as in the claim." *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1271 (Fed. Cir. 1984). Missing elements may not be supplied by the knowledge of one skilled in the art or the disclosure of another reference. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 780, 227 U.S.P.Q. 773, 777 (Fed. Cir. 1985).

With respect to claims 1, 8 and 15, the Office Action states that Mun teaches a method, a storage medium including machine readable computer program code, and a system for transmitting enhanced originator information over a communication network (i.e., see at least abstract regarding Caller ID information) comprising: retrieving a service profile for a recipient terminal from a service profile database (i.e., HLR, VLR, or storage system within the MSC) in response to initiation of a communication by an originator terminal to the recipient terminal (i.e., see at least paragraphs 0031-0033, figure 5 and claim 10); retrieving information elements associated with the originator terminal from a network database (i.e., see at least paragraphs 0034-0035 and figures 6 and 7), said retrieving based upon at least one of the service plan and 030392 / BLL-0126

terminal capability of the recipient terminal (i.e., see at least paragraphs 0031-0035 and figures 6 and 7); and transmitting a communication including said information elements to said recipient terminal prior to establishing a communication session with said recipient terminal (i.e., see at least figures 5-8 and claims 1, 8, and 16) wherein said transmitting is conducted over at least one of: an IP network, a PSTN, a WLAN, a wireless network, a cable network, a fiber optic network, a video network, and a satellite network (i.e., see at least figures 5-8 and claims 1, 8, and 16). Applicant respectfully disagrees with this analysis. As Applicant now discusses, Mun's systems and methods require an in depth verification process not only with the receiving MS but also with the sending MS. Applicant's claimed invention requires no such verification process. In addition, Applicant's claimed invention has a profile-retrieval for *types of identification information*, not simply a verification whether or not a user-representing image can be transmitted and received. Furthermore, even if similar elements could be identified, which they cannot, Applicant's claimed invention is arranged so differently than Mun's that an anticipation rejection is improper, as Applicant now describes in more detail.

In general, Applicant respectfully points out that the system of Mun merely discloses a method and system for providing a *picture* as caller identification. Throughout Mun's specification and claims, reference is made only to a picture caller ID (PCID) and no reference is made to comprehensive originator identification, including varying types of information elements not found in Mun, as in Applicant's claimed invention. Furthermore, Mun establishes a complex protocol for verification of the presence of PCIDs even if the MS that establishes the call has subscribed to the service. In the paragraphs cited by the Office Action, that is, 0031-0033 and 0031-0035, Mun specifically discusses this verification process in the form of several SETUP messages that include the calling MS PCID. Setup messages involving the verification of the presence of a PCID of the calling ID is required before any attempt to query the second MS as to whether or not the second MS subscribes to the picture identification service can be made. In contrast, Applicant's claimed invention retrieves the service profile information from a service profile database regardless of the type of enhanced originator information presently available to the originator.

Therefore, it is inaccurate that Mun discloses “retrieving a service profile for a recipient terminal from a service profile database in response to initiation of a communication by an originator terminal to the recipient terminal”, because Mun in fact only determines whether or not the MS receiving the call has gone through the following: “...the first MSC receives a SETUP message from the first BS during a call attempt of the first MS in step 131. The SETUP message contains the CID of the first MS. In step 132, the first MSC transmits a Picture Req message requesting the PCID of the first MS to the first VLR in response to the SETUP message in order to check whether the PCID of the first MS is stored in the first VLR. In the presence of the PCID, the first VLR provides the registered PCID to the first MSC in step 133. The first MSC transmits the PCID of the first MS to the second MSC in step 134 by a SETUP message. The second MSC checks whether the received SETUP message contains the PCID.” Then, “[i]f it does, the second MSC transmits an INFO Req message to the second VLR to determine whether the called subscriber (i.e., the second MS) has subscribed to the PCID service in step 135. If the second MS has subscribed to the PCID service, the second VLR transmits an INFO Rsp message to the second MSC in step 136. The second MSC transmits a SETUP message containing the CID and the PCID of the first MS to the second MS via the second BS in response to the INFO Rsp message in step 137.” Therefore, it is clear that Mun does not in fact retrieve “a service profile for a recipient terminal from a service profile database in response to initiation of a communication by an originator terminal to the recipient terminal”, but in fact retrieves subscriber information only in response to a complex verification process whether or not PCIDs exist. Furthermore, Mun only relates to verification of whether or not PCID exists. In contrast, Applicant’s claimed invention does not simply disclose whether or not a recipient has subscribed to a comprehensive originator service, but also, more importantly, *what kinds* of enhanced identification services exist.

In addition, as discussed further with respect to the rejection of claims 3, 10 and 17, Mun discloses only picture identification services, while Applicant’s claimed invention discloses enhanced originator information disclosing far more information than merely picture identification. Applicant respectfully points out that all of this other enhanced information is missing from Mun. Therefore, Mun clearly does not anticipate “retrieving information elements

associated with the originator terminal from a network database, the retrieving based upon at least one of the service plan and terminal capability of the recipient terminal” because Mun is explicitly missing information elements. For the same reasons, Mun does not anticipate “transmitting a communication including the information elements to the recipient terminal prior to establishing a communications session with the recipient terminal”.

With respect to claims 2, 9 and 16 as applied to claims 1, 8, and 15, Applicant respectfully submits that since claims 1, 8, and 15 are not anticipated then it follows that claims 2, 9 and 16 are not anticipated. However, Applicant specifically points out that at least a personal computer, a network computer, a wireless mobile computer device, a facsimile, and a network appliance are not found in the Mun specification and therefore cannot be anticipated by Mun.

With respect to claims 3, 10, and 17 and as applied to claims 2, 8, and 15, Applicant respectfully submits that since claims 2, 8, and 15 are not anticipated, then it follows that Mun does not anticipate claims 2, 9 and 16. Specifically, Applicant once again respectfully asserts that the only identification feature that Mun discloses is a picture identification, with reference to conventional text identification. In contrast, Applicant’s claimed invention discloses and claims *comprehensive originator identification* including at least the following, all explicitly absent from Mun: font and character style capabilities; logos; images (other than merely picture); audio; multi-media; animations; VPM; uniform resource locators; a physical location address; video; alerting tones; and advertising materials. Applicant has read and even performed a word search and does not find these elements in Mun.

With respect to claims 4, 11, and 18 as applied to claims 1, 8, and 15, Applicant respectfully submits that since claims 1, 8, and 15 are not anticipated, then it follows that Mun does not anticipate claims 4, 11 and 18. Applicant also respectfully points out that Mun is explicitly missing at least the following communications: Data; Video; Messaging; Instant Messaging; and Paging. Applicant has read and even performed a word search and does not find these elements in Mun.

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With respect to claims 5 and 12 as applied to claims 1 and 8, Applicant respectfully submits that since claims 1 and 8 are not anticipated, then it follows that Mun does not anticipate claims 5 and 12.

With respect to claims 6, 13, and 19 as applied to claims 1, 8, and 15 above, Applicant respectfully submits that since claims 1, 8 and 15 are not anticipated, then it follows that claims 6, 13, and 19 are not anticipated by Mun. Specifically, Mun does not disclose at least the following: a packet-switched network; an asynchronous transfer mode network; and a Multi-protocol Label Switching (MPLS).

With respect to claims 7 and 14 as applied to claims 1 and 8 above, Applicant respectfully submits that since claims 1 and 8 are not anticipated, then it follows that claims 7 and 14 are not anticipated by Mun.

With respect to claims 21, 22, and 23 as applied to claims 1, 8, and 15 above, Applicant respectfully submits that since claims 1, 8 and 15 are not anticipated, then it follows that claims 21, 22 and 23 are not anticipated by Mun. Furthermore, Applicant respectfully submits that the Office Action has mischaracterized each of claims 21, 22, and 23 as well as the cited paragraphs 0024, and 0028-0029. Mun simply allows a user to choose a PCID *beforehand*, and during registration. This PCID *can be* a still image, characters, or moving pictures representing a caller. In contrast, Applicant claims that the content that is received can be screened during reception of the content, without regard to what was chosen *beforehand*.

For at least these reasons, the Applicant submits that claims 1-19 and 21-23 are in condition for allowance and respectfully request reconsideration and withdrawal of the outstanding rejections.

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CONCLUSION

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to the Applicant. Accordingly, reconsideration and allowance is requested. It is submitted that the foregoing amendments and remarks should render the case in condition for allowance.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,

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